

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JUSTIN LEE RYAN,

Defendant.

CR-18-35-GF-BMM

ORDER

Defendant Justin Lee Ryan appeared before United States Magistrate Judge John Johnston on October 16, 2018, and entered a plea of guilty to one count of Possession with Intent to Distribute Methamphetamine in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2 as charged in the Indictment. In exchange for Ryan's plea, the United States has agreed to dismiss counts II and III of the Indictment previously filed in this matter. Judge Johnston entered Findings and Recommendations on October 16, 2018. (Doc. 26.) Judge Johnston determined:

(1) that Ryan was fully competent and capable of entering an informed and voluntary plea; (2) that Ryan was aware of the nature of the charge against him and the consequences of pleading guilty to the charge in Count I; (3) that Ryan understood his constitutional rights, and the extent to which he was waiving those rights by pleading guilty; and (4) that Ryan's plea of guilty was a knowing and voluntary plea supported by an independent basis in fact establishing each of the essential elements of Count I charged in the Indictment. (Doc. 26 at 1-2). Judge Johnston recommended that this Court accept Ryan's plea of guilty to Count I charged in the Indictment. *Id.* at 2. Judge Johnston further recommended that Counts II and III of the Indictment be dismissed. *Id.* Neither party filed objections to Judge Johnston's Findings and Recommendations.

The Court has reviewed Judge Johnston's Findings and Recommendations for clear error given that no objections were filed. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge Johnston's Findings and Recommendations, and adopts them in full.

Accordingly, **IT IS ORDERED:**

1. Ryan's Motion to Change Plea (Doc. 20) is **GRANTED**.

2. The Court will defer acceptance of the Plea Agreement (Doc. 23) until sentencing, at which time the Court will have reviewed both the Plea Agreement and the Presentence Investigation Report.

DATED this 5th day of November, 2018.



Brian Morris
United States District Court Judge